

AGENDA ITEM 6

APPENDIX 3

07/400/CP

REPRESENTATIONS

**AVIEMORE & HIGHLAND DEVELOPMENTS
LAND BOUNDED BY CRANNICH PARK, ROWAN PARK
AND CARR ROAD, CARR-BRIDGE**

**Comments/objections by Dr David Gasking,
Seann Bhruthach, Carr-Bridge
30 October 2007**

GENERAL

These comments and objections relate to the revised planning application (submitted 25 September 2007) and the associated application (submitted 5 October 2007) for variation of condition 4 of the Reporter's decision. Many of my earlier comments (dated 5 December 2005) on the previous revised proposals would continue to apply to the new plans and a further copy of those comments is included herewith for reference. My response to the plans for this proposed development are based on first-hand knowledge of the site and surrounding area from regular (1-3 times daily) visits on foot, stretching back over some 16 years.

CONSULTATION WITH THE LOCAL COMMUNITY

I note that more than five years has passed now since the first proposals for this development were submitted to the Highland Council. I would suggest that the present developers, and their predecessors, have only themselves to blame for the manner in which this process has dragged out. Had they taken the trouble to conduct proper site investigations at the outset, and made efforts to consult the local community prior to the first and subsequent planning applications, it is perfectly conceivable that a practical, less-damaging, and mutually-acceptable solution, in keeping and in scale with the existing village, could have been reached at a much earlier stage.

I myself drew the attention of the Highland Council Planning Officer to the fact that the space available at Carr-Bridge Post Office was inadequate for meaningful examination of such large collections of reports and plans, and suggested then that the applicants could serve their own case better if they were to set aside an evening for display of the plans in the village hall, with a representative on hand to explain and discuss the details and local concerns. This suggestion, although passed on by the Planning Officer, was not taken up by the developers on that occasion, and the situation remains no better with this latest application.

What this means, amongst other things, is that at each stage the developers have based their proposals on limited, unrepresentative data and surveys, and have failed to benefit from the wealth of accumulated local knowledge of long-term residents, dog-walkers, cyclists, joggers, conservationists, etc, etc. in an area which is heavily frequented for its amenity and nature conservation interest and value.

I would confidently predict that only a fraction of the present population of Carr-Bridge will have seen the latest plans in any detail or, in many cases, even been aware of their existence, by the time this application comes before the National Park Board for consideration. And then (as was clearly the case with the Reporter's assessment of responses to the appeal) will a small "head count" of objections on paper once more be taken as indication of acceptance and/or lack of interest?

I would pose the question, how can the National Park be expected to come to a reasoned decision on such a significant matter for the future shape of village like Carr-Bridge, if they cannot be certain that the opinion of the local community has been adequately expressed?

I note also how once again the majority of the plans submitted do not make it easy for folk to relate the layout, as proposed, to that of existing features on the ground with which they are familiar. For example, I would contend that: (i) the lines of existing footpaths and tracks in Carr Wood should be indicated on ALL plans, to make it absolutely clear the extent to which the development would swallow up existing access and amenity areas, and (ii) ALL existing mature trees should be shown on the plans (notably, for example, in the area behind the horses' field) not just those that it is proposed should be retained, to avoid giving the false impression that there would be NO significant felling of such feature trees.

HYDROLOGY REPORT

I raised a number of detailed questions/issues on the hydrology question in 2005. Some of these have been addressed in part by the current report, others have simply be passed over without comment.

Reading the new, somewhat more detailed hydrology report, the first question that springs to mind is why was this work not undertaken before ANY planning application was ever submitted? And certainly, why was this information not DEMANDED prior to the decision on the appeal by the Scottish Executive's Reporter? If the matter of the hydrology had been addressed with the seriousness that it merited, this application could now be being assessed on the basis of more than 5 years' regular monitoring data, not just scattered readings taken haphazardly over a few weeks.

Prior to this present application, all submissions from the developer were based on the simplified assumption that the bog woodland was a closed system, shallow in profile, and totally isolated below by a layer of clay, or other similarly-impervious material, and that there was consequently NO hydrological connection between the bog and the underlying groundwater. It seems incredible that it was only when these assertions were questioned during the National Park site visit, that this recent round of monitoring was undertaken to test the actual validity of these unsubstantiated claims.

As a result of that new monitoring, the developers are now forced to concede that (i) the bog woodland is NOT a closed, isolated system,(ii) the peat is significantly deeper than the shallow dish that they first (conveniently) proposed, and (iii) there is indeed a hydrological interconnection between the bog and the groundwater. In seeking now to downplay the significance of this information they emphasise that flow between the bog and the groundwater is likely to be slow. This may indeed be the case, and it could have a bearing on the behaviour of the system under flood conditions (underlining the key role of bog woodland in providing a degree of buffering capacity, holding back surface runoff to flood-prone areas further downstream during peak flow conditions), But when it comes to the question of pollution, or enrichment of the bog woodland, the RATE of exchange is not the overriding issue: indeed, considering documented cases of groundwater pollution the world over, the fact that it may take years, or even decades, for progressive and irreversible damage to come to light, is unquestionably a COMPLICATING factor, NOT a mitigating one.

Considering the information on the true groundwater situation, it is clear that the decision of the Reporter was made on the basis of totally inadequate data, in conjunction with a flawed, over-simplified model of the hydrology. Even the rather limited, extra hydrological data presented now by the developers is sufficient to invalidate their original contention that to encircle the bog woodland with housing development and a road could have no significant impact on the long-term health of this European priority area. I would suggest that this reopens many of the original questions with regard to the entire scheme, and calls for a fundamental re-examination of the issues involved, not least in the light of the Reporter's specific requirement that, in the event of any conflict, the conservation issues should over-ride ALL other detailed considerations.

I would draw attention once more to my previous comments in 2005 with regard to flood risks and the implications for groundwater levels and drainage in relation to existing properties in the south east corner of the village, nearest to the bog woodland. I would underline once again the Reporter's requirement for protection against a 1 in 200 year flood event, and for on-going maintenance IN PERPETUITY. I note that the revised hydrological model now put forward by the developers still fails to take into consideration the significant periods of the year when the supposed free drainage through sands and gravel will be hindered, or totally prevented, by freezing of the ground and/or ice or snow cover. As far as I can see, no groundwater monitoring data has been recorded during any such periods.

Compounding the ignorance in this area, the developers note quite casually that one of the monitoring wells was "vandalised" shortly after installation. I find it amazing that (i) no report of this incident was made to the police at the time, and (ii) that the well in question was not immediately reinstated, ideally with more a more robust and secure piece of equipment similar to that alongside the Snaky Bridge, which has never been interfered with, or damaged over a period of many months. Surely, if the location was originally chosen to provide key hydrological information, then it is hardly scientific to abandon the site simply for the sake of replacing one piece of lost equipment? As it is, in the absence of this particular well, it would appear that the developers have collected NO actual monitoring data for any area on the supposedly-so-important, free-draining sands and gravels around the bog woodland. This omission would seem to be especially significant since I understand anecdotally, from individuals who observed the original excavation work for the well that was vandalised, that the groundwater was found at a surprisingly high level on that occasion – less than 2m below the surface or, in other words, approaching a level with the deeper parts of the bog.

On a specific point, with regard to the monitoring of groundwater levels during the proposed construction phase, it seems surprising that, if permanent wells are in place, the developers would not propose to take readings of water levels more frequently than once a week. Even if there is relatively little fluctuation for most of the time, more regular monitoring could provide a better understanding of any sudden variations in behaviour of the system that do occur – during normal conditions, dry periods, storm events, or whatever.

Most of the details of any hydrological report are going to be totally impenetrable to all but a specialist, but it is hard to escape the impression this situation has been conveniently used to obscure the fact that, at all stages, the absolute minimum amount of work has been done, and that issues and data that do not support the arguments in favour of the development have been conveniently downplayed, or omitted.

I would draw the attention of the National Park to the following statement by David Stewart, MSP for the Highlands and Islands, which, by coincidence, was printed in his column in the Strathspey & Badenoch Herald on 24 October 2007, following a visit he had made to the Insh Marshes:

“At a time when there is a growing worry about flooding it stands as a lesson to us all that nature’s solutions to flooding should not be tampered with.”

Unfortunately in the case of the applications for this particular proposed development, the watchword seems to have been rather that the removal of a significant natural flood protection zone, and the downstream displacement of a vast amount of extra water runoff, can be solved simply by a flick of the engineering magic wand. How often have we heard the refrain in recent years: why was planning permission ever given for development on this or that area of low-lying, wet land?

The integrated combination of the bog woodland and its surrounding native pine wood not only represents an unspoiled habitat of European conservation importance which should not be fragmented or exposed to polluting or enriching inputs. From the very first establishment of settlement at Carr-Bridge, this area of wetland has quietly served to absorb storm runoff and meltwater, and to protect the village from problems of widespread water-logging and flooding, which could so easily arise on a wet, upland plateau. Not only that, it is just such “Carr” areas, as enshrined in the name of the village itself, which have been so essential in holding back water from communities at even greater risk of flooding further downstream.

CONSERVATION REPORT

Considering the importance placed on the issue of nature conservation by the Reporter in his decision (“the outcome of this survey shall over-ride all other detailed considerations”) the document presented now by the developers, and the work on which it is based, give the impression of being “thin” to say the least.

Speaking as someone who is out in Carr Wood on a regular, daily basis, and has occasion to observe the frequency of other visitors, I applaud the tireless effort of the Badenoch & Strathspey Conservation Group who, on limited means, have been surveying and recording the flora and fauna on and around the site of this proposed development throughout 2007. I understand that they have logged many species and features overlooked by the developers in the latter’s more cursory surveys. I would commend this work to the National Park and urge the members of the Board to give due consideration and weight to the findings of the Conservation Group with regard to the likely impacts of the proposed development, not least the construction of the road and the encirclement of the bog woodland.

On some specific points in relation to nature conservation, I note:

- My garden at Seann Bhruthach was one of a number of places around the proposed development site where the rare Cousin German moth was identified in a moth trap this summer.
- In addition to my own previous observations about pine marten in 2005, I have spoken this year to two local residents who (on quite separate occasions) have both observed pine marten at, or close to the old wrecked car in Carr Wood – one of these definitely within the proposed development site.
- There has been clear evidence of badgers grubbing out ground wasp nests at several points in Carr Wood this year and I understand that the animal itself has been observed by at least one local resident. As far as I am aware, the location of the sett has not been identified but, as with the pine marten’s territory, it seems likely that this will be within the boundaries of the proposed development site, or close thereby.
- Contrary to the assertions in the developers’ conservation report, regular visitors to Carr Wood ALL agree that there are MORE red squirrels active now than before. Sightings of both deer and squirrels fell dramatically when the woods were thinned in around 2001, and remained low for at least 3 years thereafter. Now, however, with tree canopies filling out, and the source of disturbance fading into the

past, squirrels are once more in daily evidence. Ask any of the dog walkers: squirrels have a habit of sitting up the trees and chittering down at passing dogs.

- At the end of September, a small local dog was bitten by a snake close to the Snaky Bridge beside the bog woodland. The dog had to be taken for treatment and the nature of the puncture wounds were confirmed by the vet. All the indications are that it must have been an adder.

REVISED HOUSING LAYOUT AND PHASING

From the almost unanimous feeling of those who attended the National Park site visit, the proposal to reduce the width of the screening belt and move the low cost housing development (now suggested for phase 3) closer to the B9153 road seems likely to be generally welcomed by most parties. Encroachment towards the bog woodland and areas of high nature conservation value behind the horses' field would be reduced, although not by any means eliminated. I note once again how useful it would have been if the developers had included detail on ALL of the mature trees in the area behind the field, not only those that would be retained but also the many that would inevitably require to be felled if the road through were to be approved.

A straightforward reduction of the shelter belt does, of course, assume that important/rare meadow species are not present on that part of the horses' field nearer the B9153. This is obviously an issue which will need to be investigated with further survey work, but it is not a matter that I feel qualified to comment on.

In a community sense, concentration of the low-cost housing more onto the horses' field would create a small, discrete pocket of houses close to and very much akin to the present Crannich Park, with which it would be integrated by footpath links, as well as road contact via the Main Street. This group would stand quite distinct from the remainder of the proposed development, and, other matters being equal, could potentially proceed as outlined, whether or not there was a road across the bog woodland. If this site is to be used for affordable housing, I can see some merit in an even higher density of housing (cf, the recently-completed Ecclefechan development), if it meant that impacts deeper into Carr Wood could be reduced.

Although the need for a variation in the Reporter's condition regarding the width of the 40m shelter belt is acknowledged in the second application, and revised plans for the new phasing arrangements are included therewith, the specific implications with regard to numbers of houses completed per year does not appear to have been explicitly addressed in the variation application. According to the Reporter's original decision, the 24 affordable houses beside Crannich Park were to be "amongst the earliest completions", with a subsequent rate of house completions not exceeding 15 in any calendar year. Whilst I don't claim to be a lawyer, I would have expected that a fully-competent application to vary this part of the decision would have required an equivalent, explicit statement of the initial and subsequent rates of completion now proposed?

As it stands, it would appear that construction of the phase three affordable housing alongside Crannich Park would not commence before about year 7-8 of the overall development, at the earliest. But this would depend on the initial phasing of the new affordable housing opposite Carr Place, which is not spelled out.

In the long term, the precise details of phasing might not seem so very important, but from the point of view of those living on and around the proposed perhaps-10-year construction site, it would seem likely to be an issue of considerable significance for general amenity, disturbance, safety and "perception". As such I would submit that more precise clarification is required than that offered by the current variation application.

COMMUNITY AND ROAD ACCESS IMPLICATIONS OF THE PROPOSED REPHASING

Whatever the technical arguments for or against large-scale housing development (conservation, hydrology, etc, etc), I would contend that none of the proposals for a development up towards Carr Place accessed via the horses' field has ever offered much with regard to integration with the existing community.

This fact is only accentuated in the latest revised plans, with development proceeding from east to west. I would suggest that this will almost inevitably introduce IMMEDIATE pressure for road access to the scheme from Carr Road, *whatever present residents of the village might feel about the matter.*

Up until this point, little consideration appears to have been given to the longer-term influence that occupants of the proposed new housing might have on the evolution of the scheme in its later stages. In time, however, these people will come to represent a sizeable and potential-vocal part of the entire village community, and they will have their own distinct views on the suitability and convenience of the housing scheme with which they are being presented. Consider the position of those in the proposed first phase of affordable housing on the Boys Brigade field. They will find themselves stuck out at the end of a long stretch of undeveloped forest road, whilst at the same having no access onto the nearby Carr Road. Not only will they not be able to drive out onto Carr Road, but all the usual service traffic already coming to Carr Place – postman, binmen,

snowplough, deliveries, etc, etc – will be forced to take the same, long and wasteful detour back around the south of the village. I find it impossible not to imagine that these people will be agitating for vehicle access onto Carr Road, regardless of what the Reporter says, or current opinion in the village. This issue was always one that seemed likely to surface eventually, but with the proposed rephrasing of the scheme, I cannot see other than that it would become an issue from the completion of the very first houses. And thus, that it becomes a factor which needs to be considered BEFORE the granting of any planning permission, not afterwards.

In essence, with the historic road network of Carr-Bridge, there is NO site with adequate vehicle access for a development on this scale. The solution sanctioned by the Reporter addressed this problem by (i) accepting a scheme which is poorly integrated with the rest of the village, (ii) permitting construction of a damaging road through an area previously earmarked for amenity and conservation, and (iii) encircling, isolating and potentially threatening an area of bog woodland habitat which is increasing scarce on a European scale.

The earlier Highland Council Local Plan had envisaged free access to and from Carr Road. This was understandably not popular with householders along that road, and could potentially have involved long and complicated arguments regarding compulsory purchase orders and so on. But what will happen in the future when demands are voiced once more for upgrading of Carr Road to permit access to the new houses? Isn't it likely to mean a bad road through Carr Wood PLUS disruption to Carr Road?

Access issues aside, it seems to be widely agreed that it does make sense for some new housing to be constructed further out on Carr Road, where the ground is higher and drier, water and sewerage are already close to hand, and where Carr Place can beneficially be drawn within the village community. Remodelling of the awkward bend close to Carr Cottages could do much to help road safety too.

What we seem to have with this latest set of plans is a development of two ends, which would actually be better off if they did not have to be linked by a road through the forest at all. Much, if not all of the controversy over nature conservation, preservation of the bog woodland, hydrology and flood protection, to say nothing of the engineering complications and cost, would be removed if only the scheme could be achieved by one part on the horses' field accessed from the B9153, and the other part accessed from a somewhat improved Carr Road.

I accept that access from Carr Road would not be universally popular, and may still not offer an ideal solution, but my contention is that the scheme as presently proposed is inevitably going to lead to demands for just such an access in the future anyway, whatever people feel about it now. And if the size of the village is increased by such a large number of people, their voice will become increasingly powerful.

I don't know how representative this might be, but I have heard a number of people express the view that maybe it is worth thinking again about the question of Carr Road, if it would mean the preservation of the open green corridor from the village in towards Carr Wood – an incomparable amenity which could continue to be enjoyed by all – present and future residents alike.

If the development were to be split into two, and the density of affordable housing on the horses' field could be increased, then this might help to reduce the need for quite so many properties at the other side of the wood, and hence lessen the traffic burden to any access out onto Carr Road, especially if the overall scale of the development (ie, total number of houses) was more in scale with the size and character of the village.

ACCESS, PATHS, FENCING

I previously raised a number of detailed points concerning pedestrian access to the proposed development site and Carr Wood, both during the construction phase and in the longer term after houses were completed. On the whole, the latest set of plans seems to offer little extra detail on most of these matters. For example:

- No further information on the proposed arrangements for access from the village to Carr Wood via the Snaky Bridge during construction.
- No indication of how this permanent access would cross the new road in the long term.
- I found it very difficult to work out from the plans what was being proposed for long-term fencing and how this would balance protection of the most sensitive areas with maintaining maximum openness for public amenity access.
- No more detail on the form of upgrading proposed for the Snaky Bridge.
- No response to my suggestion for minor realignment of the course of the footpath alongside the Frog Pond to take account of any rise in the water levels as a consequence of recent new house building at the rear of the Crannich Guest House and Braeval.

- No details on the arrangements for long-term management and upkeep of the amenity and conservation areas after house building was complete.

In relation to the bullet points above, it would hardly seem that the developers have adequately addressed the detailed requirements laid out in condition 4 of the Reporter's decision. In particular, as far as I can see, they appear to have totally failed to address that part of the Reporter's conditions which specifically requires that any application for reserved matters should include details of a management scheme for aftercare and maintenance of all landscaped areas, natural habitats, etc in perpetuity. I would question the degree to which the present applications can be regarded as either complete, or valid in the absence of such information.